House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing on
The State of Religious Freedom Around the Globe
July 13, 2021 - 2:00pm
Virtual via Cisco WebEx

Statement of Elizabeth Shakman Hurd
Professor of Political Science and Religious Studies and Crown Chair in Middle East Studies
Northwestern University

Co-Chairmen McGovern and Smith, distinguished Members of the Lantos Commission and staff members, fellow panelists, thank you for drawing attention to the politics of religious difference.

My name is Elizabeth Shakman Hurd, and I am a Professor of Political Science and Religious Studies at Northwestern University. I study the politics of religious freedom, religion in U.S. foreign and immigration policy, and relations between the US and the Middle East. My testimony today is informed by two and a half decades studying the intersections of religion, law, and politics.

Religious freedom as a political ideal enjoys the support of many Americans and members of Congress. During the Cold War, the United States sought to secure what was known as "global spiritual health" to combat communism. Today we promote religious freedom. Many see religious freedom as a fundamental human right that should be promoted globally. Yet today I will suggest that the time has come to de-emphasize religion in US foreign policy. Elevating religion above other factors risks doing damage to the cause of religious diversity and tolerance. My research suggests that the best way to support religious tolerance abroad is to step back from religious freedom as a guiding principle in American foreign policy in favor of justice, equality, and respect for diversity.

To move away from a focus on religion does not mean ignoring or denigrating it. To the contrary, it is to respect the rich role and variety of religious traditions in social and political life at home and abroad. This respect requires that the government tread lightly. This is the American way. Imposing American religious freedom abroad is not guaranteed to secure respect for religious diversity. To the contrary, it may threaten it.

I offer three examples of why this is the case followed by four recommendations for US policy. First, religious freedom is often mobilized in ways that deepen social divisions and increase the risk of discrimination and conflict. US promotion of religious freedom encourages people to base their political claims on religious identity, hardening lines of religious difference and making societies more prone to conflict along those very lines. Second, religious affinities that are based on practices, or on land, or on forms other than belief are not protected under religious freedom.

Third, government attempts to protect religious freedom are inherently discriminatory because they require defining religion.

RELIGIOUS FREEDOM IS OFTEN MOBILIZED IN WAYS THAT DEEPEN SOCIAL DIVISIONS AND INCREASE THE RISK OF CONFLICT

Prioritizing religious freedom encourages people to base political claims on religious identity. This hardens lines of religious difference and makes societies more prone to conflict along those very lines. Instead of calming tensions, elevating religion above other factors hardens divisions between communities by defining identities and interests in religious terms. Identity takes on an exclusivist tinge: "are you this *or* are you that?" This aggravates rather than calming sectarian tensions by drawing a line under one's religious identity as the factor that trumps all others. In Syria, for example, foregrounding religion as the determinant factor in the war meant that being Christian or Muslim, or Sunni or Alawite, often became more important than being pro- or anti-regime, or pro- or anti-democracy. We lose sight of the big picture.

Distinctions between religions often become politically powerful and even determinative in these situations. This matters in foreign policy. For example, many claim the Rohingya in Myanmar are persecuted because they are Muslim, that religious intolerance is motivating the violence and that the solution is religious freedom. In fact, the Rohingya are caught in an intricate web of oppression, with aspects that are ethnic, racial, economic, religious, postcolonial, and state-sponsored. To single out their Muslim identity as the central problem blinds us to this broader field. It fixes the idea of the Rohingya as persecuted Muslims rather than as Burmese citizens or as humans with multiple affiliations. It limits our policy vision.

And yet, given that there is a religious element to the violence, why not support religious freedom for the Rohingya, among other freedoms? The answer is because such advocacy *reinforces* the hard lines dividing Muslims from Buddhists—the very same lines that violent Burmese extremists (including elements of the state) depend on to propagate the violence. To prioritize religion inadvertently reinforces a violent Buddhist nationalism that seeks to rid Burma of Muslims altogether. Rather than sapping these forces, politicizing religious identity strengthens them. Instead, U.S. policymakers should ask: Are the Rohingya being killed because of their religion, because they're seen as immigrants or outsiders, because they're perceived as threatening the political and economic interests of the former Burmese junta, or all of the above?

Meanwhile, in majority-Muslim contexts U.S. advocacy for religious freedom consolidates culturalist views of the so-called Muslim world, in which politics is said to be driven by religion and Islam is targeted for reform. This revives an old culturalist canard that denies individuals in these countries the capacity to construct an autonomous field of politics. As with the Rohingya, the United States should recognize people in other countries as citizens rather than as religiously motivated actors in need of salvation or redemption.

RELIGIOUS FREEDOM PRIVILEGES THE RIGHT TO BELIEVE AT THE EXPENSE OF OTHERS WAYS OF BEING RELIGIOUS

US government-sponsored religious freedom privileges a right to believe. Practice-based, land-based, and other non-belief-based affinities are not protected. The result is *less* space for religious diversity on the ground.

Take the K'iche' people of Guatemala. In 2010, 87 Maya communities in the department of El Quiché, represented by the K'iche' People's Council (KPC), unanimously rejected the mining and hydroelectric projects proposed for Guatemala in the wake of the North American Free Trade Agreement and other treaties. Foreign commercial companies responded to those rejections with offers to reward the KPC with a higher percentage of profits, failing to understand, as Dianne Post points out, that "the reason these projects were rejected is not monetary but is linked to the refusal to allow destruction of the earth for religious and cultural reasons." The KPC's refusal to acquiesce in these projects has led to discrimination and violence, including massive violations of K'iche' cultural heritage and land rights facilitated by collusion among multinational mining corporations, the police and the Guatemalan state.

And yet, in 2012 the State Department reported "no reports of societal abuses or discrimination based on religious affiliation, belief, or practice" in Guatemala. K'iche' attachment to the land does not qualify them for international religious freedom protections. Their claims are ignored because, in an important sense, they are perceived as having no religion. Violations of K'iche' religious-cultural heritage are literally invisible because religious freedom privileges a right to belief.

Yet the problem runs deeper than recognition of K'iche' claims to the land as religious and therefore deserving of protection. To rely on religion as a category in foreign policy means that some religious groups will inevitably be disadvantaged and others privileged. Transnational mining, hydroelectric, monoculture and oil interests have stacked the decks in favor of those who benefit from opening Guatemala to transnational capital. According to the KPC's spokeswoman, Lolita Chávez Ixcaquic, who is protected by precautionary measures after an assassination attempt, "companies have come to plunder and loot our water, land and oil." Greed, not freedom of religion, is the problem.

K'iche' contributions to world culture are incontrovertible. In 1992 Rigoberta Menchú, a K'iche' indigenous rights activist, won the Nobel Peace Prize. In 2009 the Newberry Library announced the digitization of the most studied indigenous document of Mesoamerica, the mid–16th century Popol Vuh, or "book of events," a mytho-historical narrative based on pre-Colombian oral traditions that recounts the creation of the universe, the origins of the K'iche' people and the history of their dynasties until the arrival of the Spanish in 1524.

Legal protections for religions and religious rights are always partial. They privilege particular understandings of religion. In this case, it is a religious economies model that favors consumers of religion for whom believing is taken as the defining characteristic of what it means to be religious and the right to believe (or not) as the essence of what it means to be free. As individuals and groups around the world submit to this particular system of religious freedom and subscribe to a theory of the free religious market, they are also submitting to a particular — and not universal — conception of freedom.

TO DEFINE RELIGIOUS FREEDOM REQUIRES DEFINING RELIGION AND THIS IS NOT THE JOB OF THE GOVERNMENT

Examples of government repression abroad are often cited to establish a need for religious freedom initiatives. For instance, in what is known as the Maspero massacre, in October 2011, the Egyptian military attacked peaceful protesters demanding rights for Coptic Christian citizens. At least 25 people were killed and 300 injured. Government repression of critics continues in Saudi Arabia and Bahrain, where the Arab Spring was never able to get off the ground. Surely minorities and dissenters need international and local support — but not necessarily as religious groups.

Defining religion is no simple task. When the United States promotes religious freedom abroad, the government weighs in on what counts as religion as opposed to tradition, culture, or superstition. Religion requires protection, but superstition and culture do not. In these circumstances it is too easy for the religion of the majority, the religion of those in power, or the particular version of a religion that the US supports to carry more political weight. Again, the government should tread lightly.

The U.S. prides itself on a long tradition of freedom and disestablishment. Defining religion is not the government's job, either domestically or as a matter of foreign policy. To put the government in charge of these matters silences those who cannot speak in a politically legible "religious" register. It creates divisions between religion, non-religion, and the rest of world's practices—including those considered sacred to the communities involved but that don't count as religious for the US government. Examples are Indigenous practices and other religions that are out of political favor with parts of the US government, including Islam and, in the not-so-distant past, Catholicism.

AVENUES FOR U.S. ACTION

1. **Do not make conflict worse by reducing it to religion**. The US should refrain from naming religion or religious difference as the natural or presumed cause of conflict. Religious identities and practices are important but are never separable from economic, political, environmental, legal, and other social concerns. To single out religion as the cause of conflict misrepresents complex situations and distorts U.S. policy options. It may also exacerbate the conflict by inadvertently reinforcing the idea that religious difference is the axis on which the violence turns. The US should take a comprehensive and even-handed approach that accounts for economic, social, caste, public health, geographic, gender, educational, and environmental concerns, in addition to religious ones.

2. **Prioritize justice, equality and respect for diversity rather than religion and religious freedom**. If the United States wants to reduce conflict and ensure societal harmony and coexistence abroad, policy-makers would do well to temper zealous pronouncements about religious freedom as a universal good with a bit of humility. This does not mean ignoring religion or condoning violence or discrimination. It means directing American resources to securing equality, economic justice, a free media, an

independent judiciary, environmental security, and the rights of marginalized communities whether defined on religious, racial, ethnic, gender, or other terms. A laser-like focus on religious freedom blinds decision-makers to the existence and needs of these other communities and concerns. We need not ignore religious aspects of society but we must be wary of the costs of making religion and religious actors a special focus of American policy.

3. **Work with all local groups and do not privilege religious leaders over others.** To prioritize religious leaders in U.S. diplomacy empowers high-level and favored religions and religious leaders over others. Religious leaders should be included among other representatives of civil society but should not be elevated as a special class diplomatically speaking. The U.S. should ensure that dissenting and grassroots communities that are not able to speak as religions are not ignored. This includes dissidents and others who are may not be legally recognized as a religion. These people have a stake in societal outcomes and should be granted a voice. In engaging only state-supported or recognized religions, the U.S. inadvertently empowers them while silencing others. This is not religious freedom by any definition of the term.

4. **De-politicize religion as a gesture of respect.** Religion is deeply woven into American laws, social customs, and institutions, and it will remain so. To step back from religion as a focus in our foreign policy is neither to ignore nor to marginalize it. It is, to the contrary, to respect the varieties and many roles of religious authorities and traditions in social, legal, and political life. Such respect requires that the government tread lightly. Far from securing peaceful coexistence, trumpeting American versions of religious freedom abroad does not secure respect for diversity. More often than not, it threatens it.

   Thank you.